

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - DAYTON

VALERIE S. BLANKENSHIP,
ADMINISTRATOR OF THE ESTATE OF
DIANA L. HATT, DECEASED,

Plaintiff,

vs.

DOLLAR TREE STORES, INC., ET AL.

Defendants.

CASE NO. 3:19-cv-38

REMOVED FROM COMMON PLEAS COURT
OF MONTGOMERY COUNTY, OHIO
(CASE NO. 2019 CV 00208)

JUDGE

**NOTICE OF REMOVAL
TO FEDERAL COURT**

Defendant Dollar Tree Stores, Inc. (“Dollar Tree”) by and through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby gives notice of the removal of the above-referenced matter from the Common Pleas Court of Montgomery County, Ohio, in which it is now pending, to the United States District Court for the Southern District of Ohio, Western Division.

FIRST: This is a personal injury action that was filed in the Common Pleas Court of Montgomery County, Ohio on January 14, 2019, bearing Case No. 2019 CV 00208.

SECOND: Plaintiff Valerie S. Blankenship, Administrator of the Estate of Diana L. Hatt, Deceased (“Plaintiff”) alleges that Plaintiff’s decedent, Diana L. Hatt, suffered injuries to her head when she was visiting a Dollar Tree store in Huber Heights, Ohio on January 29, 2017 when the front interior door stuck or would not open, causing her to lose her balance, fall backward and down, and striking her head. In her Complaint, Plaintiff alleges that Plaintiff

Diana L. Hatt suffered a traumatic brain injury (subarachnoid hemorrhage, subdural hematoma, etc.) as a result of the fall and hitting her head and she ultimately died from her injuries on March 4, 2017. A copy of the Complaint is attached hereto as Exhibit A.

THIRD: In the Complaint, Plaintiff presents a survivorship claim and a wrongful death claim. With respect to Plaintiff's claimed damages, both the injuries alleged in the Complaint and the claims asserted reasonably indicate that the matter in controversy exceeds \$75,000. Moreover, Plaintiff's counsel's office has informed defense counsel that the medical billing for Plaintiff's decedent prior to her passing, which they allege was proximately caused by the subject incident, is in excess of \$200,000.00.

FOURTH: Plaintiff's allegations regarding physical injuries, expenses for medical care, funeral expenses and survivorship damages constitute an amount in controversy that exceeds \$75,000.00 exclusive of costs and interest.

FIFTH: Plaintiff's decedent, Diana L. Hatt, is, and has been at all times relevant herein, a resident and citizen of the State of Ohio.

SIXTH: Plaintiff Valerie S. Blankenship, as Administrator of the Estate of Diana L. Hatt is, and has been at all times relevant herein, a resident and citizen of the State of Ohio.

SEVENTH: Defendant Dollar Tree Stores, Inc. is a Virginia corporation with its principal place of business in Virginia. As such, Defendant Dollar Tree Stores, Inc. is a citizen of Virginia.

EIGHTH: Pursuant to well-established Sixth Circuit principles, The Ohio Department of Medicaid is a party-plaintiff for purposes of diversity jurisdiction.

NINTH: Pursuant to 28 U.S.C. §§ 1441(b) and (c) and 28 U.S.C. § 1332 (a), this lawsuit may be removed from the Common Pleas Court of Montgomery County, Ohio to the United States District Court for the Southern District of Ohio, Western Division.

TENTH: Dollar Tree attaches hereto a copy of all process, pleadings and orders on file in said state proceeding and a copy of the Notice of Filing Notice of Removal which Dollar Tree will serve upon Plaintiff promptly after the filing of this Notice of Removal, pursuant to 28 U.S.C. § 1446(a). See Exhibit A.

ELEVENTH: Dollar Tree will file a copy of the Notice of Removal with the Clerk of Common Pleas Court of Montgomery County, Ohio immediately after filing hereof.

TWELFTH: No further proceedings have commenced in this action in the Montgomery County Court of Common Pleas.

Respectfully submitted,

/s/ Christopher E. Cotter

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ATTORNEYS FOR DEFENDANT
DOLLAR TREE STORES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 7, 2019, a true and accurate copy of the foregoing has been filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system:

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/s/ Christopher E. Cotter
Attorney for Defendant Dollar Tree Stores, Inc.